

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter Review of the Section 251)	CC Docket No. 01-338
Unbundling Obligations of Incumbent)	
Local Exchange Carriers)	
)	
Implementation of the Local)	CC Docket 96-98
Competition Provisions of the)	
Telecommunications Act of 1996)	
)	
Deployment of Wireline Services)	CC Docket 98-147
Offering Advanced Telecommunications)	
Capability)	

Reply Comments of the Nebraska Public Service Commission

We are submitting these reply comments to endorse the comments filed by the National Association of Regulatory Commissioners (NARUC) as part of the FCC's triennial review. Specifically, the Nebraska Commission supports NARUC's request that the FCC immediately convene a §410(b) Federal-State Joint Conference to facilitate, inform and coordinate its implementation of the three-year UNE review. Furthermore, the Nebraska Commission would like assurance that states will retain the authority to impose additional unbundling obligations upon incumbent LECs beyond those imposed by the national list, as long as they meet the requirements of §251.

Since the passage of the Telecommunications Act of 1996, state commissions have worked diligently to foster competition. By arbitrating disputes, approving interconnection agreements and determining the openness of the local marketplace, state commissions have a unique knowledge and understanding on the present state of local competition.

While strides have been made since 1996, the amount of local competition remains minimal, particularly in smaller communities. Continued growth in the local marketplace is a shared goal between the state and federal jurisdictions. As such, we believe a collaborative effort between the FCC and the states would best serve the public. Our information and experiences can be shared so that our common goal of providing customers with greater choices in the local telecommunications market is realized.

This issuance of this NPRM comes at a crucial time. The elimination of UNEs could have a major impact on what happens in the marketplace. While certain customers in Nebraska have enjoyed the benefits of competition from facilities-based carriers, this option does not, and will not exist on a widespread basis. As set forth in the 1996 Act, the UNE platform is an option for carriers to provide competition to end-users.

Further, we are not persuaded that removal of UNEs from the national list at this time is prudent. Implementation efforts are still underway by CLECs, and business plans are still evolving. Competition provided over the UNE platform has not yet had sufficient time to be fully tested so as to receive a failing or passing grade.

In fact, we believe additions to the national list of UNEs should be considered. As written by NARUC in a Resolution adopted February 2002, additional unbundling is consistent with purposes of the Federal Telecommunications Act of 1996. The 1996 Act did not distinguish or prefer any one method of entry over any other method, and in the present economy, the capital required to construct duplicative networks has led to a greater reliance on the UNE platform as a competitive entry strategy.

To conclude, we urge the FCC to not reduce the number of UNEs currently available on the national list. We also encourage the FCC to enter into a formal, collaborative relationship with the state commissions in this proceeding. Such a cooperative effort would ensure that experience, unique conditions and above all, the public interest was foremost in the decision making process of this significant docket.

Respectfully submitted,

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